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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LOUISIANA WHOLESALE DRUG CO., INC.,

Plaintiff,

v.

SANOFI-AVENTIS, SANOFI-AVENTIS
U.S., LLC and AVENTIS
PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 07-cv-7343 (HB)

Hon. Harold Baer, U.S.D.J.
ECF CASE

**PROPOSED PRETRIAL
SCHEDULING ORDER**

APPEARANCES:

Plaintiff Louisiana Wholesale Drug Co., Inc by:

Bruce E. Gerstein Esq.; Barry S. Taus, Esq.; Anne K. Fornecker, Esq.; Garwin Gerstein
& Fisher LLP

Defendants sanofi-aventis u.s. llc and Aventis Pharmaceuticals Inc. by:

Julia E. McEvoy, Esq.; Christopher R. Farrell, Esq.; Jones Day

HAROLD BAER, Jr., District Judge:

Do the parties consent to proceed before a United States Magistrate for all purposes,
pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73?

Yes ___ No X

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, after holding an
initial pretrial conference on notice to all parties, it is hereby ordered that:

Except under circumstances agreed to by the Court:

1. **This case is added to the November, 2008 Trailing Trial Calendar.**
Jury X. Non-Jury ___. Estimated number of trial days is 12. Counsel should not make any
other commitments during this month. As a general rule, all cases will be tried within a
reasonable time from the date on this pretrial conference based on the complexity of the case.

2. No additional parties may be joined after **March 3, 2008**.

New parties shall be bound by the deadlines included in this Pretrial Scheduling Order. If new parties are joined, the party joining them shall forward to them a copy of this Pretrial Scheduling Order and provide them with access to all previously taken discovery. Should this pose a seemingly insurmountable problem, call Chambers.

3. No additional causes of action or defenses may be asserted after **March 3, 2008**.

4. **Motion for Class Certification:** The parties agree that Plaintiff shall file its motion for class certification on **January 31, 2008**. The parties further agree that Defendants' opposition to Plaintiff's motion for class certification shall be due **March 17, 2008**, and that Plaintiff's reply brief in support of its motion for class certification shall be due **May 1, 2008**.

5. **Discovery:** All discovery, except for expert discovery, shall be commenced in time to be completed by **May 1, 2008**. The parties agree that disclosure of expert testimony, if any, will be made on **May 15, 2008**. The parties further agree that evidence intended to contradict or rebut the subject matter of the expert testimony will be submitted by **June 16, 2008**, subject only to further order of this Court. Any reply evidence in support of the expert testimony will be submitted by **July 17, 2008**, subject only to further order of this Court. As the Court rarely grants extensions, any delays or disputes in the taking of discovery should be reported to the Court immediately.

6. **Motions:** The parties agree that any dispositive motions will be filed on **August 1, 2008**. The parties further agree that any oppositions to such dispositive motions will be due **August 21, 2008**, and that any replies in support of such dispositive motions will be due **September 1, 2008**. Either party may request (and will be given a date by Chambers) for oral argument. By **September 1, 2008**, any dispositive motions shall be fully briefed (i.e., moving, opposition and reply papers) and a courtesy copy delivered to Chambers.

7. **Joint Pretrial Order:** A joint pretrial order shall, unless waived by the Court, be submitted by **October 24, 2008**. The pretrial order shall conform to the Court's Individual Practice and Rules. Counsel may inquire of Chambers with respect to the filing date(s) for requests to charge, proposed voir dire, and motions in limine, but in no event are they to be submitted less than five (5) business days (fully briefed) before the date set for trial.

8. The law clerk assigned to this case is **Jonathan Hanna**, to whom all correspondence should be directed.

9. Upon request to Chambers by either side, the Court will schedule and conduct a settlement conference and/or mediation. The Court will also, upon request, facilitate mediation under the Court Mediation Program or a settlement conference before your Magistrate Judge. In the case of a mediation to be conducted by the Court, all parties must bring their respective clients to the mediation. Keep in mind, closure, for the most part, is accomplished in direct proportion to how early in the litigation the mediation occurs. Any ADR procedure must occur within the framework of this order.

10. Whenever a case is resolved, the parties must submit an Order of Discontinuance, signed by all parties before the case will be removed from the trial calendar. When the parties settle within forty-eight hours of trial or the filing of a dispositive motion, they must notify the Court immediately of such settlement, and fax to the Court no less than thirty-six hours prior to their planned appearance, an Order of Discontinuance (copy attached), signed by all parties.

11. The parties' signatures below represent their understanding and agreement that this schedule is final and binding upon them unless the Court concludes that extraordinary circumstances warrant an extension with respect to one or more than one of the scheduled dates.


For Plaintiff


For Defendants

SO ORDERED,

DATED:

New York, New York

12/3/2007



HAROLD BAER, JR.
United States District Judge

Rev. 2/07